

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

10/16/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00383DAE  
CASE NAME: USA v. Harvey Dean Damo  
ATTYS FOR PLA: Loretta Sheehan  
ATTYS FOR DEFT: Pamela Byrne  
USPO: Kevin Teruya

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JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 10/16/2006

TIME: 1:30pm-2:00pm

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Indictment as to Defendant Harvey Dean Damo.

Defendant Harvey Dean Damo present, not in custody.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Harvey Dean Damo.

### SENTENCE:

Imprisonment: 22 MONTHS, as to each of Counts 1 and 2 of the Indictment, with all such terms to run concurrently

Supervised Release: 3 YEARS, as to each of Counts 1 and 2 of the Indictment, with all such terms to run concurrently

### CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances (mandatory condition).

4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. Exception: the defendant is allowed to possess a hunting bow and arrows while actively engaged in the hunting of pig. The defendant must be accompanied by another hunter who shall possess and transport the bow and arrows prior to and after the hunt. The defendant may not possess the bow and arrows at any other time.
7. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
8. Defendant is prohibited from the possession and use of alcohol.
9. That the fine of \$1,000.00 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived.

Special Assessment: \$200.00.

JUDICIAL RECOMMENDATIONS: Sheridan, OR. Educational and Vocational training. Drug treatment. Mental health treatment.

Defendant advised of his right to appeal.

Mittimus is stayed until 11/27/2006.

Defendant to self-surrender @2:00 p.m. on 11/27/2006 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Submitted by: Theresa Lam, Courtroom Manager